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HOUSE BILL 1383 By
Hagood

SENATE BILL 1660
By Rochelle

AN ACT to amend Tennessee Code

**Annotated, Title 63 and Title 68,
relative to the Division of Health Related
Boards and the Tennessee Emergency Medical
Services Board regarding screening panels.**

**BE IT ENACTED BY THE GENERAL ASSEMBLY
OF THE STATE OF TENNESSEE:**

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1 is amended
by adding the following language as a new, appropriately designated section:

Section ____.

- (a) The Division of health related boards and each respective board, committee or council established in this Title, may utilize one (1) or more screening panels in their investigative and disciplinary process to assure that complaints filed and investigations conducted are meritorious, and to act as a mechanism for diversion, to professional peer review organizations and/or impaired professionals associations or foundations, those cases which the Division and the boards, committees or councils through established guidelines, deem appropriate.
- (b) The activities of the screening panels, and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings act and shall remain confidential. The members of the screening panels, mediators and arbitrators have a deliberative privilege and the same immunity as provided by law for the boards, and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution or civil lawsuit which may result from or be incident to cases processed before them.
- (c) The screening panel has the authority to administer oaths to witnesses, and, upon probable cause being established, issue subpoenas for the attendance of witnesses and the production of documents and records. Any documents or records produced in accordance with a subpoena issued by the screening panel are exempt from the public records act unless and until said documents or records form the basis of the filing of a notice of charges.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 140, Part 5 is amended by adding the following language as a new, appropriately designated section:

Section ____.

- (a) The board may utilize one (1) or more screening panels in its investigative and disciplinary process to assure that complaints filed and investigations conducted are meritorious, and to act as a mechanism for diversion, to professional peer review organizations and/or impaired professionals associations or foundations, those cases which the board, through established guidelines, deem appropriate.
- (b) The activities of the screening panels, and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings act and shall remain confidential. The members of the screening panels, mediators and arbitrators have a deliberative privilege and the same immunity as provided by law for the board, and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution or civil lawsuit which may result from or be incident to cases processed before them.
- (c) The screening panel has the authority to administer oaths to witnesses, and, upon probable cause being established, issue subpoenas for the attendance of witnesses and the production of documents and records. Any documents or records produced in accordance with a subpoena issued by the screening panel are exempt from the public records act unless and until said documents or records form the basis of the filing of a notice of charges.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

